

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
July 1, 2003, 9:00 A.M.

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the previous meeting
-

AWARDS AND PRESENTATIONS

- Proclamations
-

UNFINISHED BUSINESS

1. CUP2003-00024 – DP151 Amendment No. 3 – Amendment to The Dugan Centre Community Unit Plan – South of Taft, West of Dugan. (District V)
(Continued from June 17, 2003)

RECOMMENDED ACTION: Take appropriate action.

2. Appeal of Historic Preservation Board Action Regarding Demolition of 128 and 132 North Mosley. (District VI)
(Continued from June 17, 2003)

RECOMMENDED ACTION: Adopt the Findings of Fact.

NEW BUSINESS

3. Request for Letter of Intent for Industrial Revenue Bonds – Big Dog Motorcycles, L.L.C. (District I)

Big Dog Motorcycles requests issuance of a six-month Letter of Intent for \$1.1 million of Industrial Revenue Bonds.

RECOMMENDED ACTION: Approve the Letter of Intent and a five-plus-five-year tax exemption; authorize the necessary signatures.

4. 2002 Comprehensive Annual Financial Report.

The Comprehensive Annual Financial Report and the Bureau of Justice Compliance Report are for the year ended December 31, 2002.

RECOMMENDED ACTION: Receive and file.

5. Relocation of Westar Energy Electric Lines for the East Kellogg Freeway Project – Gouverneur to Kansas Turnpike Authority. (District II)

Construction of the East Kellogg Freeway requires relocation of overhead lighting, electrical service, and transmission lines along Kellogg.

RECOMMENDED ACTION: Select the underground alignment.

6. Compliance with Air Regulations – Brooks Landfill. (District V)

On April 1, 2003, the City Council directed Staff to issue a Request for Proposals for consulting services for air pollution regulations compliance.

RECOMMENDED ACTION: Approve the Contract; authorize the necessary signatures.

7. Park Memorial Donations:

a) Les Longhauser Memorial Picnic Pavilion – South Lakes Soccer Complex. (District IV)

b) Purple Heart Memorial – Veterans Memorial Park. (District VI)

RECOMMENDED ACTION: Accept donation of the memorials; approve installation.

8. Amendment to City Fireworks Ordinance

An amendment is proposed to bring the City Code in line with the current practice of allowing certain approved fireworks to be sold and discharged within the City limits.

RECOMMENDED ACTION: Because of the permitted time for sale/discharge, declare emergency and adopt the ordinance amendment.

CITY COUNCIL AGENDA

9. Appointments to the Wichita Airport Advisory Board.

The Sedgwick County Commission has made the following recommendations for appointment to the Wichita Airport Advisory Board:

Bill Callaway, 4814 Ethel, Wichita 67220 (Norton)
Beth Garrison, 1528 Valleyview Ct., Wichita 67212 (Winters)
Dorothy McKay, 9106 Peppertree, Wichita 67226 (McGinn)
Dion Avello, 825 Honey Brook Lane, Derby 67037 (Sciortino)
Jay Swanson, #5 Lynnwood, Wichita 67207 (Unruh)

RECOMMENDED ACTION: Make the appointments.

10. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

11. Report of the Board of Bids and Contracts Dated June 30, 2003.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

12. Application for License for Adult Entertainment Establishments/Services:

New Escort Service

Robert Collins	Show Girls	2415 South Glendale
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RECOMMENDED ACTION: Approve license subject to Staff review and approval.

13. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Richard A. Diamond	Ty's Diner Inc.*	928 West Second Street
Akiko Miloni	Mama San's*	3811 West 13 th Street
Bui Van Hanh	Saigon Restaurant*	1103 North Broadway

<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Benjamin J. Schultz Jr.	T&E Oil Co. Inc. dba Our Pantry Plus #19	10304 West 13 th Street North
Benjamin J. Schultz Jr.	T&E Oil Co. Inc. dba Our Pantry Plus #20	233 South Maize

(Item 13 continued)

David Bullinger	Wal-Mart Supercenter #1577	3030 North Rock Road
Christian B. Malone	FV #4005	7115 West 13 th Street North
Mike Hoffman	Kwik Shop #714	4811 South Seneca
Mike Hoffman	Kwik Shop #716	2424 West 37 th Street North
Mike Hoffman	Kwik Shop #722	3959 South Hydraulic
Mike Hoffman	Kwik Shop #731	710 West 29 th Street North
Mike Hoffman	Kwik Shop #748	2209 East Douglas
Mike Hoffman	Kwik Shop #772	2750 South Oliver
David B. Holthe	Lyncrest 66 #26635	1250 South Rock Road
David B. Holthe	Crossroads 66 #27080	7136 West Central Avenue
David B. Holthe	Williamsburg 66 #27216	1350 North Oliver
David B. Holthe	Town West 66 #27232	4414 West Maple
David B. Holthe	Broadway 66 #27375	4821 South Broadway
David B. Holthe	North Seneca 66 #27645	515 North Seneca
David B. Holthe	Tyler 66 #27747	1254 South Tyler Road
David B. Holthe	Reflection Ridge 66 #27754	7236 West 21 st Street
David B. Holthe	Expressway 66 #27904	3511 North Rock Road
David B. Holthe	Mount Vernon 66 #27981	2001 South Oliver

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

14. Preliminary Estimates:

- a) Lateral 325 Four Mile Creek Sewer to serve Pine Meadow Addition - south of 13th Street North, east of Greenwich. (468-83376/743989/480677) Does not affect existing traffic. (District II) - \$142,000
- b) Northwind from the west line of Northshore Boulevard as platted in Ridge Port Addition, west to the east line of Northwind Circle; Northwind Circle from the west line of Northwind, west to and including the cul-de-sac; Hazelwood, from the north line of Northwind, north to the north line of the plat of Ridge Port Third Addition; Northshore Circle from the south line of Northwind, as platted in Ridge Port Addition, north and east to and including the cul-de-sac; Northwind Court from the south line of Northwind, south to and including the cul-de-sac; Sidewalk constructed on both sides of Northwind from the east line of Northshore Boulevard, west to the west line of Hazelwood, and on both sides of Hazelwood from the north line of Northwind, north to the north line of the plat to serve Ridge Port and Ridge Port Third Additions - north of 29th Street North, east of Ridge. (472-83772/765802/490913) Does not affect existing traffic. (District V) - \$286,000
- c) Sheriac from Maple, north and west to the north line of Lot 20, Block C; Decker from the east line of Sheriac, east and north to the north line of Lot 23, Block D; Sheriac Circle (Lots 7 thru 20, Block C) from the westerly line of Sheriac to and including cul-de-sac; Decker Circle from the east line of Decker to and including cul-de-sac; Sidewalk on one side of Sheriac and Decker to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (472-83721/765794/490905) Does not affect existing traffic. (District V) - \$380,000
- d) 2003 sanitary sewer reconstruction Phase 5 (various locations) - north of 47th Street South, east of Meridian. (468-83617/620379/663500) Traffic to be maintained during construction using flagpersons and barricades. (Districts 1,2,3,4) - \$131,000

(Item 14 continued)

- e) Water Distribution System to serve Lester Turley Addition - west of Meridian, south of 19th Street North (735135/448-89844/470-805) (District VI). – Total Estimated Cost \$5,000
- f) Water Distribution System to serve R.A Morris Tracts - north of Central, east of Hoover (735115/448-89790/470-785) (District VI). – Total Estimated Cost \$6,500
- g) (Amended) – cost of 31st Street North from Hood to Arkansas to serve Timmermeyer Gardens, E.C. & L.R. Cole's Addition to Carey Park, and Unplatted Tracts -north of 29th Street North, west of Arkansas. (District VI) – Total Estimated Cost \$572,120

RECOMMENDED ACTION: Approve and file.

15. Petitions for Public Improvements:

- a) Sanitary sewer and water distribution system to serve Hidden Lakes Addition – west of 159th Street East, north of 39th Street South. (District II)
- b) Pave 35th Street South at Gold – east of Seneca, south of 31st Street South. (District IV)
- c) Medians on Westgate at the intersection with Westgate Court and on Yosemite at the intersection with Yosemite Court – south of Pawnee, west of Maize Road. (District IV)
- d) Storm water drain to serve Tyler's Landing Addition – south of 37th Street North, east of Tyler. (District V)
- e) Sanitary sewer main to serve an area between Maize Road and Tyler, south of 37th Street North. (District V)
- f) Street lighting along Waterfront Parkway from 13th to Webb. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

16. Minutes of Advisory Boards/Commissions:

Wichita Employees' Retirement Police & Fire Board, March 26, 2003
Wichita Employees, Retirement Police & Fire Board, April 3, 2003
Board of Electrical Appeals, April 8, 2003
Wichita Employees' Retirement Police & Fire Board, April 16, 2003
Wichita Employees Retirement Board, April 23, 2003
Board of Code Standards And Appeals, May 5, 2003
Housing Advisory Board, May 20, 2003
Wichita Public Library, May 20, 2003

RECOMMENDED ACTION: Receive and file.

17. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

18. Report on Claims Allowed – May, 2003:

<u>Name of Claimant</u>	<u>Amount</u>
Bland, Denise M.	\$164.77
Cabrea, Alejandra	\$200.00**
Duling Construction	\$1,506.27
Edwards, John & Immogene	\$1,200.00**
Fritze, Lise	\$75.00
Henrichsen, Carlea	306.32
Koop, John D.	\$367.00
McNeil, Jay	\$642.22
Oswalt, Bill	\$30.83
Van Gieson, Darren	\$250.00**

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

19. Agreements/Contracts:

- a) CDBG – Wichita Indochinese Center.
- b) Kansas Foodbank Warehouse, Inc. – amendment.
- c) Relocation of utilities along 13th Street North, east of Webb Road. (District II)
- d) Legal research data service.
- e) Plumbing repair service – selection of vendor.
- f) KDHE – restaurant inspections.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

20. Construction Engineering and Staking Agreements:

- a) Falcon Falls Addition – south of 53rd Street North, west of Hillside - supplemental. (District I)
- b) The Waterfront Addition – north of 13th, east of Webb – supplemental. (District II)
- c) Reed's Cove and Reed Commercial Additions – south of 21st, east of 127th Street East - supplemental. (District II)
- d) Hawthorne Addition – north of 21st, east of 127th Street East – supplemental. (District I)

21. Design Services Agreements:

- a) Perimeter road along the north boundary of Newman University from 350 feet west of Sheridan to K-42 Highway. (District IV)
- b) Architectural services for Neighborhood City Hall - supplemental. (District II)
- c) Clear Creek Addition – west of 143rd Street East, south of Kellogg. (District II)
- d) 25th Street North from I-235 to West Street – supplemental. (District V)
- e) Woodland Lakes Estates Third Addition – south of Lincoln, west of 127th Street East. (District II)
- f) Reed's Cove Addition – south of 21st Street, east of 127th Street East. (District II)
- g) Thunderbird Office Park – south of Maple, west of 119th Street West. (District V)

RECOMMENDED ACTION: Approve Agreements; authorize necessary signatures.

22. Change Orders:

- a) Douglas improvement – Seneca to McLean. (District IV)
- b) Hydraulic improvement – 57th Street South to MacArthur. (District III)
- c) Rock Road improvement – 32nd Street North to K-96 Freeway. (District II)
- d) Southeast water transmission line – along Southeast Boulevard, north of Pawnee. (District III)
- e) Street paving in Reece Farms Addition – south of Maple, west of 151st Street West. (District V)

RECOMMENDED ACTION: Approve the Change Orders; authorize necessary signatures.

23. Media Expense for Marketing Program.

RECOMMENDED ACTION: Approve payment of expense.

24. Grant Application – Homeless Assistance.

RECOMMENDED ACTION: Approve the Grant application and receipt of funds; support submission of application; authorize necessary signatures.

25. Central Avenue Improvements – Oliver to Woodlawn. (Districts I and II)

RECOMMENDED ACTION: Approve the design project, Agreements, and first reading of the Ordinance; authorize necessary signatures.

26. Payment of Claim.

RECOMMENDED ACTION: Authorize payment of Claim.

27. Payment of Judgment – Taylor vs. City. (District I)

RECOMMENDED ACTION: Authorize payment of judgment.

28. Court of Appeals Case – Motor Vehicle Taxes.

RECOMMENDED ACTION: Authorize extension of deadlines and preparation of appeal dismissal documents.

29. Industrial Revenue Bond Purchase Option – The Castle Inn Riverside, L.L.C. (District VI)

RECOMMENDED ACTION: Authorize bond call and necessary signatures; adopt Resolution.

30. Property Acquisition by Eminent Domain – 9018 East Kellogg. (District II)

RECOMMENDED ACTION: Approve acquisition by eminent domain, and first reading of the Ordinance; adopt the Resolution; and direct filing of appropriate proceedings in the District Court.

31. Second Reading Ordinances: (First read June 17, 2003)

a) Wichita Public Building Commission Revenue Refunding Bonds – State Office Building Project.

An Ordinance of the City of Wichita, Kansas, authorizing the optional Redemption of the Wichita Public Building Commission, Series H, 1993 (State Office Building Project) Bonds; authorizing the execution and delivery of a supplemental City-County Lease Agreement and Tax Compliance Agreement in connection with the issuance by the Wichita Public Building Commission of its Revenue Refunding Bonds, Series N, 2003, (State Office Building Project).

b) Establishing fees for subdivision applications and proceedings.

An Ordinance Amending Section 2.26.030 Of The Code Of The City Of Wichita, Kansas, Pertaining To Fees For Subdivision Applications And Proceedings And Repealing the Original Of Said Section.

c) Emergency Medical Services Memorandum of Understanding.

An Ordinance amending Section 3.80.147 of the Code of the City of Wichita, Kansas, pertaining to extending, for a time certain, various regulatory exemptions relating to ambulance service within the City of Wichita.

(Item 31 continued)

- d) 2003 bridges and waterline replacement. (Districts I, III, and VI)

An Ordinance declaring the Lincoln Street Bridge at the Arkansas river (472-83747) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

- e) ZON 2002-02 – west side of 127th Street East, north of 21st Street North. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. (ZON 2002-02)

- f) ZON 2002-33 – north of Central, east side of Webb Road. (District II)

Zoning An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. (ZON 2002-33)

- g) A03-14 – southwest corner of 13th Street North and 135th Street West. (District V)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A03-14

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

- *32. CON2003-00015 – Conditional Use for Wrecking/Salvage Yard, on Property Zoned General Industrial – North of 21st Street North, East of Broadway – 700 East 21st Street North. (District VI)

RECOMMENDED ACTION: Approve the Conditional Use, subject to platting within one-year and recommended conditions; Ordinance to be forwarded to City Council with the Plat.

- *33. ZON2003-26 (Associated with CON2003-16) Conditional Use for Bank on Property Zoned General Office, and Amendment to Protective Overlays No. 1 and No. 11 – North of Maple, West of 135th Street West. (District V)

RECOMMENDED ACTION: Approve the amendments, first reading of the Ordinance, and the Conditional Use; adopt the Resolution.

- *34. PUD No. 11 – Extension of Time to Complete Platting Requirement for Sedgwick County Juvenile Complex – North of Morris and East of Hydraulic. (District I)

RECOMMENDED ACTION: Approve the extension of time to complete platting to January 1, 2004.

- *35. SUB2002-54 – Plat of Sisters of St. Joseph Fifth Addition – North of Harry, East of Hillside. (District III)

RECOMMENDED ACTION Approve the documents and Plat, and first reading of ZON2002-08 Ordinance; authorize the necessary signatures.

- *36. SUB2002-119 – Plat of Copper Gate Second Addition – Southwest Corner of 135th Street West and 13th Street North. (District V)

RECOMMENDED ACTION: Approve the documents and Plat; authorize necessary signatures; adopt the Resolution.

- *37. SUB2003-31 – Plat of Wichita Family Vision Addition – West of Tyler, South of Central. (District V)

RECOMMENDED ACTION: Approve the documents and Plat; authorize the necessary signatures; approve first reading of ZON2000-35 Ordinance.

- *38. Street Improvement Agreement for Lot split No. SUB2003-63 – West of Meridian, North of Central. (District VI)

RECOMMENDED ACTION: Approve the Agreement; authorize the necessary signatures.

- *39. ZON2002-05 – Zone Change Request from Single-Family District to Limited Commercial District – South of Harry, East Side of Webb Road. (District II)

RECOMMENDED ACTION: Approve first reading of the Ordinance.

40. A03-15 Adoption of a Resolution Establishing a Public Hearing for the Unilateral Annexation of Eligible Properties – North of 29th Street North, West of North Maize Road. (District V)

RECOMMENDED ACTION: Adopt the Resolution establishing the hearing at 7:00 p.m., September 9, 2003, at 7001 West 21st Street North.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

41. Tenant Facility Improvements.

RECOMMENDED ACTION: Approve the project; adopt the Resolution.

Adjournment
